



Crl.O.P.No.16639 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 147, 148, 448, 294(b), 323, 324 & 506(2) of Indian Penal Code, 1860 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.132 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a dispute between the Defacto Complainant and the third Petitioner, who belonged to same village relating to housing vacant plot. Due to which on 03.04.2023 at about 11.30 hours, when the Defacto Complainant was at home along with her daughter, all the Petitioners, who belong to the Defacto Complainant's village, trespassed the Defacto Complainant's home and used abusive words and slapped her on the chin. The third Petitioner pushed the Defacto Complainant down by holding her hairs, trampled and kicked on her chest. Then the second Petitioner, holding the Defacto Complainant's hairs, pulled and pushed her out from the house. The first Petitioner pushed the Defacto Complainant's daughter down who came to rescue. Then Petitioners 4 to 6 took black stones and thrown it on



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the Defacto Complainant. Then the first Petitioner took an iron rod and beat the Defacto Complainant on the back. Then the first Petitioner threatened her that if she build the house, he will kill her with the help of that iron rod. Having came to know about the incidents, the Defacto Complainant's brother-in-law viz., Vasu came to the Defacto Complainant's house in a four wheeler by 9.00 pm, then the first Petitioners damaged the vehicle's glass by throwing black stone. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that second and fourth Petitioners are working as staff Nurse in a Private Hospital at Chennai. On 03.04.2023 at about 12.10. pm, the Defacto Complainant and three others came and planted trees and tried to erect huts in the third Petitioner's place. The Defacto Complainant scolded the third Petitioner with abusive words and beat the third Petitioner's hand with the help of a rod, which is hidden behind. Hence, he prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Criminal Side) for the Respondent would submit that this is a case and counter case and in the counter



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case in Cr.No.133 of 2023 under Sections 147, 148, 448, 294(b), 323, 324 & 506(2) of IPC, all the Petitioners therein granted with Anticipatory Bail by the learned Sessions Judge, Villupuram. He would further submit that the injured has been discharged from the hospital and part of the investigation is over. However, he vehemently opposed to grant anticipatory bail to the Petitioners.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

7.Accordingly, the Petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Tindivanam**, on condition that the Petitioners shall execute a separate bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties each for a like sum to the satisfaction of the Respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall



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stands dismissed and on further condition that:

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[a] the Petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the Petitioners shall report before the Respondent Police, on every Monday at 10.30 a.m., until further orders;

[c] the Petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the Petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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